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MEMO ENDORSED

March 9, 2020

By ECF

Honorable Katherine Polk Failla
United States District Judge
United States District Court
Southern District of New York
40 Foley Square
New York, New York 10007

Re: *SFM Realty Corp. v. Lemanski*, 20-CV-00209 (KPF);
Request To File Motion for Sanctions Under Seal.

Dear Judge Failla:

On behalf of my client, Defendant Patricia M. Lemanski, I am writing pursuant to Rule 9A of Your Honor's Individual Rules of Practice in Civil Cases, to ask this Court for permission to file under seal Ms. Lemanski's Motion for Sanctions against Plaintiff and its counsel. We ask for permission to publically file only the redacted versions of Ms. Lemanski's Affidavit in Support of the Motion for Sanctions and the accompanying Memorandum of Law, and to file the unredacted versions of the documents under seal.

As this Court is aware, the parties in this case have exchanged documents which contain information that Plaintiff has alleged is subject to trade secret protection.¹ In addition, certain transcripts which are relevant to Ms. Lemanski's sanctions motion are sealed. Ms. Lemanski's forthcoming sanctions motion (and supporting documents) makes reference to, and incorporates, information and transcripts which the Plaintiff in this matter claims to be proprietary, confidential business information and trade secrets which Plaintiff believes would harm it competitively if publicly disclosed.

¹We recognize that Rule 9A of Your Honor's Individual Rules and Practices permits the redaction of "proprietary or trade secret information" without Court permission. In an excess of caution, however, we are seeking for this Court's permission to file such information under seal.

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Ms. Lemanski's request to seal should be granted because the harm that Plaintiff has alleged it would suffer as a result of disclosure outweighs the public interest in accessing the information. See Avocent Redmond Corp. v. Raritan Ams., Inc., 2012 U.S. Dist. LEXIS 107801, at *42 (S.D.N.Y. Jul. 31, 2012) (granting the parties' motions to file documents under seal, including "confidential business information"). Separately, Ms. Lemanski's supporting Affidavit should be filed under seal because it contains sensitive personal information about Ms. Lemanski and her family. Dodona I, LLC v. Goldman, Sachs & Co., 119 F. Supp. 3d 152, 156-57 (S.D.N.Y. 2015) (granting motion to seal sensitive and confidential information of current and former employees of the parties, including their compensation, biographical information, home addresses, and telephone numbers). On January 21, 2020, this Court granted Ms. Lemanski's prior similar request to file certain documents under seal based upon the same concerns articulated herein. (Doc. No. 29)

Accordingly, we respectfully ask for permission to publically file only the redacted versions of Ms. Lemanski's Affidavit in Support of the Motion for Sanctions and the accompanying Memorandum of Law, and to file the unredacted versions of the documents under seal.

Respectfully submitted,



Michael S. Ross

cc: All Counsel
(By ECF)

Application GRANTED. Defendant should follow the operative procedures for filing sealed documents in civil cases. The contemplated submissions referred to in this letter should be filed so that they may be viewed by the parties only.

SO ORDERED.

Dated: March 9, 2020
New York, New York



HON. KATHERINE POLK FAILLA
UNITED STATES DISTRICT JUDGE